

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

T.R.,

Plaintiff,

v.

Civ. No. 20-276 GBW/JHR

PATRICK HOWARD,

Defendant.

**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO ADOPT CERTAIN
JURY SELECTION PROCEDURES**

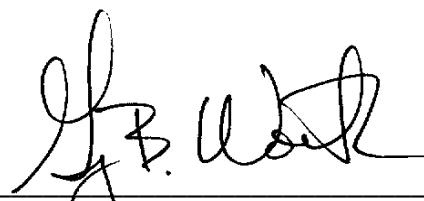
THIS MATTER comes before the Court on Plaintiff T.R.'s Motion and Memorandum of Law to Adopt Jury Selection Procedures to Impanel an Impartial Jury and to Stay the Selection of the Jury Until a Jury Panel has Been Selected and Qualified in Accordance with the Law. *Doc. 222.* Based on the following reasons, as well as the reasons given during the hearing on January 26, 2024, *see doc. 255*, the Court will GRANT IN PART Plaintiff's Motion.

In the Motion, Plaintiff requests that the Court distribute her proposed Special Jury Questionnaire, *see doc. 221-1*, to a group of prospective jurors three weeks prior to trial, *doc. 235* at 5. On the morning of jury selection, Plaintiff requests an opportunity to conduct individual voir dire with members of the venire based on their answers to the Special Jury Questionnaire. *Id.* at 5-6. In addition, Plaintiff requests that the Court show a video regarding unconscious and implicit bias during voir dire. *Id.* at 4, 6.

The Court does not find that the facts and circumstances of this case necessitate the distribution of a Special Jury Questionnaire prior to trial or any presentation on implicit bias. However, the Court recognizes that this case involves topics such as sexual misconduct and mental health challenges including suicidal ideations, and that counsel will need to ask prospective jurors about these issues. It is likely that some prospective jurors will not feel comfortable answering questions and describing their experiences regarding these sensitive topics. As a result, on the morning of jury selection, the Court will provide the jury venire with a short set of questions along with instructions. After counsel for both parties have the opportunity to review the written responses, counsel may conduct individual voir dire as necessary based on the questionnaires. Once counsel have completed the individual questioning, voir dire with the remainder of the venire will continue in a group setting.

Specifically, the Court proposes the instructions and questions attached to this Order be provided to the jury venire. Any objections to the Court's proposal must be filed no later than February 7, 2024.

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE
Presiding by Consent